



General Assembly

Substitute Bill No. 523

February Session, 2018



AN ACT CONCERNING AN ANIMAL ABUSE REGISTRY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2019*) (a) For the purposes of
2 this section, sections 2 and 3 of this act and sections 45a-99 of the
3 general statutes, as amended by this act, and 52-11 of the general
4 statutes, as amended by this act:

5 (1) "Commissioner" means the Commissioner of Emergency Services
6 and Public Protection;

7 (2) "Convicted" means that a person has a judgment entered in this
8 state against such person by a court upon a plea of guilty, a plea of
9 nolo contendere or a finding of guilty by a jury or the court,
10 notwithstanding any pending appeal or habeas corpus proceeding
11 arising from such judgment;

12 (3) "Department" means the Department of Emergency Services and
13 Public Protection;

14 (4) "Identifying factor" means fingerprints, a photographic image or
15 a description of any other identifying characteristic as may be required
16 by the commissioner;

17 (5) "Not guilty by reason of mental disease or defect" means a

18 finding by a court or jury of not guilty by reason of mental disease or
19 defect pursuant to section 53a-13 of the general statutes,
20 notwithstanding any pending appeal or habeas corpus proceeding
21 arising from such finding;

22 (6) "Offender convicted of committing a crime involving animal
23 abuse" or "offender" means a person who has been convicted of a
24 violation of (A) any provision of section 53-247 of the general statutes,
25 or (B) subdivision (3) of subsection (a) of section 53a-73a of the general
26 statutes for engaging in sexual contact with an animal;

27 (7) "Registrant" means a person required to register under this
28 section;

29 (8) "Registry" means a central record system in this state that is
30 established pursuant to this section and receives, maintains and
31 disseminates to the public information on persons convicted or found
32 not guilty by reason of mental disease or defect of a violation of (A)
33 any provision of section 53-247 of the general statutes, or (B)
34 subdivision (3) of subsection (a) of section 53a-73a of the general
35 statutes for engaging in sexual contact with an animal; and

36 (9) "Release into the community" means, with respect to a conviction
37 or a finding of not guilty by reason of mental disease or defect of a
38 violation of (A) any provision of section 53-247 of the general statutes,
39 or (B) subdivision (3) of subsection (a) of section 53a-73a of the general
40 statutes for engaging in sexual contact with an animal, (i) any release
41 by a court after such conviction or finding of not guilty by reason of
42 mental disease or defect, a sentence of probation or any other sentence
43 under section 53a-28 of the general statutes or subdivision (3) of
44 subsection (a) of section 53a-73a of the general statutes for engaging in
45 sexual contact with an animal that does not result in the offender's
46 immediate placement in the custody of the Commissioner of
47 Correction; (ii) release from a correctional facility at the discretion of
48 the Board of Pardons and Paroles, by the Department of Correction to
49 a program authorized by section 18-100c of the general statutes or

50 upon completion of the maximum term or terms of the offender's
51 sentence or sentences, or to the supervision of the Court Support
52 Services Division of the Judicial Branch in accordance with the terms of
53 the offender's sentence; or (iii) temporary leave to an approved
54 residence by the Psychiatric Security Review Board pursuant to section
55 17a-587 of the general statutes, conditional release from a hospital for
56 mental illness or a facility for persons with intellectual disability by the
57 Psychiatric Security Review Board pursuant to section 17a-588 of the
58 general statutes or release upon termination of commitment to the
59 Psychiatric Security Review Board.

60 (b) The department shall, not later than January 1, 2019, establish
61 and maintain a registry of all persons required to register under this
62 section as offenders convicted of committing a crime involving animal
63 abuse. The department shall, in cooperation with the Office of the
64 Chief Court Administrator, the Department of Correction and the
65 Psychiatric Security Review Board, develop appropriate forms for use
66 by agencies and individuals to report registration information,
67 including changes of address. Upon receipt of registration information,
68 the department shall enter the information into the registry and notify
69 the local police department or state police troop having jurisdiction
70 where the registrant resides or plans to reside. Upon receiving
71 notification pursuant to section 2 of this act that a registrant has
72 changed his or her address, the department shall enter the information
73 into the registry and notify the local police departments or state police
74 troops having jurisdiction where the registrant previously resided and
75 the jurisdiction where the registrant has relocated. The Commissioner
76 of Emergency Services and Public Protection shall also ensure that the
77 name and residence address of each registrant is available through the
78 Connecticut on-line law enforcement communication teleprocessing
79 system maintained by the department. If a registrant reports a
80 residence in another state, the department may notify the state police
81 agency of that state or such other agency in that state that maintains
82 registry information, if known.

83 (c) The department may suspend the registration of any person
84 registered under section 2 of this act while such person is incarcerated,
85 under civil commitment or residing outside this state. During the
86 period that such registration is under suspension, the department may
87 withdraw the registration information from access to law enforcement
88 agencies. Upon the release of the registrant from incarceration or civil
89 commitment or resumption of residency in this state by the registrant,
90 the department shall reinstate the registration and redistribute the
91 registration information in accordance with subsection (b) of this
92 section. Suspension of registration shall not affect the date of
93 expiration of the registration obligation of the registrant under section
94 2 of this act.

95 (d) The department shall include in the registry the most recent
96 photographic image of each registrant taken by the department, the
97 Department of Correction, a law enforcement agency or the Court
98 Support Services Division of the Judicial Department.

99 (e) Whenever the commissioner receives notice from a superior
100 court pursuant to section 52-11 of the general statutes, as amended by
101 this act, or a probate court pursuant to section 45a-99 of the general
102 statutes, as amended by this act, that such court has ordered the
103 change of name of a person, and the department determines that such
104 person is listed in the registry, the department shall revise such
105 person's registration information accordingly.

106 (f) The commissioner shall develop a protocol for the notification of
107 other state agencies, the Judicial Department and local police
108 departments whenever a person listed in the registry changes such
109 person's name and notifies the commissioner of the new name
110 pursuant to section 2 of this act or whenever the commissioner
111 determines pursuant to subsection (e) of this section that a person
112 listed in the registry has changed such person's name.

113 (g) The information in the registry shall be a public record for the
114 purposes of section 1-200 of the general statutes and the department

115 shall make such information accessible to the public through a secure
116 Internet web site maintained by the department.

117 Sec. 2. (NEW) (*Effective January 1, 2019*) (a) (1) Any person who has
118 been convicted or found not guilty by reason of mental disease or
119 defect of a violation of (A) any provision of section 53-247 of the
120 general statutes, or (B) subdivision (3) of subsection (a) of section 53a-
121 73a of the general statutes for engaging in sexual contact with an
122 animal and is released into the community on or after January 1, 2019,
123 shall, within fourteen calendar days following such release or, if such
124 person is in the custody of the Commissioner of Correction, at such
125 time prior to release as the Commissioner of Correction shall direct,
126 and whether or not such person's place of residence is in this state,
127 register such person's name, identifying factors, criminal history
128 record, residence address and electronic mail address with the
129 Commissioner of Emergency Services and Public Protection, on such
130 forms and in such locations as said commissioner shall direct, and shall
131 maintain such registration for two years in the case of a first offense
132 and for five years in the case of any subsequent offense.

133 (2) Prior to accepting a plea of guilty or nolo contendere from a
134 person with respect to a violation of (A) any provision of section 53-
135 247 of the general statutes, or (B) subdivision (3) of subsection (a) of
136 section 53a-73a of the general statutes for engaging in sexual contact
137 with an animal, the court shall (i) inform the person that the entry of a
138 finding of guilty after acceptance of the plea will subject the person to
139 the registration requirements of this section, and (ii) determine that the
140 person fully understands the consequences of the plea.

141 (3) If any person who is subject to registration under this section
142 changes such person's name, such person shall, without undue delay,
143 notify the commissioner, in writing, of the new name. If any person
144 who is subject to registration under this section changes such person's
145 residence address, such person shall, without undue delay, notify the
146 commissioner, in writing, of the new residence address. During such
147 period of registration, each registrant shall complete and return any

148 forms mailed to such registrant to verify such registrant's residence
149 address and shall submit to the retaking of a photographic image upon
150 request of the commissioner.

151 (b) Any offender convicted of a violation of (1) any provision of
152 section 53-247 of the general statutes, or (2) subdivision (3) of
153 subsection (a) of section 53a-73a of the general statutes for engaging in
154 sexual contact with an animal who is required to register under this
155 section shall, not later than twenty calendar days after each
156 anniversary date of such initial registration, until the date such
157 registration requirement expires under subdivision (1) of subsection
158 (a) of this section, personally appear at the local police department or
159 state police troop having jurisdiction where the registrant resides to
160 verify and update, as appropriate, the contents of his or her
161 registration. The local police department or state police troop, as the
162 case may be, may defer such requirement to personally appear at a
163 later date for good cause shown. Not later than thirty calendar days
164 prior to such anniversary date, the department shall mail written
165 notice of the personal appearance requirement of this subsection to the
166 registrant and the local police department or state police troop having
167 jurisdiction where the registrant resides. Not later than thirty calendar
168 days after the anniversary date of each registrant, the local police
169 department or state police troop having jurisdiction where the
170 registrant resides shall notify the commissioner, on such form as the
171 commissioner may prescribe, (A) whether the registrant complied with
172 the personal appearance requirement of this subsection or whether
173 such personal appearance requirement was deferred to a later date for
174 good cause shown, and (B) if the personal appearance requirement
175 was deferred to a later date for good cause shown, the local police
176 department or state police troop shall indicate the later date
177 established for such personal appearance and describe the good cause
178 shown.

179 (c) Any person who is subject to registration under this section who
180 violates any provisions of subsection (a) or (b) of this section, and any

181 person who is subject to registration under this section who fails to
182 notify the commissioner of a change of name or address not later than
183 five business days after such change of name or address shall be guilty
184 of a class D felony.

185 Sec. 3. (NEW) (*Effective January 1, 2019*) (a) The registration
186 information for each registrant shall include:

187 (1) The offender's name, including any other name by which the
188 offender has been legally known, and any aliases used by the offender;

189 (2) Identifying information, including a physical description of the
190 offender;

191 (3) The current residence address of the offender;

192 (4) The date of conviction of the offense;

193 (5) A description of the offense; and

194 (6) If the offender was sentenced to a term of incarceration for such
195 offense, a portion of which was not suspended, the date the offender
196 was released from such incarceration.

197 (b) The offender shall sign and date the registration.

198 (c) At the time that the offender appears for the purpose of
199 registering, the department shall photograph the offender and arrange
200 for the fingerprinting of the offender and include such photograph and
201 a complete set of fingerprints in the registry.

202 (d) The department may require the offender to provide
203 documentation to verify the contents of his or her registration.

204 Sec. 4. Section 45a-99 of the general statutes is repealed and the
205 following is substituted in lieu thereof (*Effective January 1, 2019*):

206 (a) The courts of probate shall have concurrent jurisdiction with the

207 Superior Court, as provided in section 52-11, as amended by this act, to
208 grant a change of name, except a change of name granted in
209 accordance with subsection (a) of section 46b-63, except that no court
210 of probate may issue an order or otherwise allow for the change of
211 name of a person who is required to register with the Commissioner of
212 Emergency Services and Public Protection as a sexual offender or as an
213 offender convicted of committing a crime with a deadly weapon or as
214 an offender convicted of committing a crime involving animal abuse
215 unless such person complies with the requirements of subdivision (1)
216 of subsection (b) of this section.

217 (b) (1) Any person who is required to register with the
218 Commissioner of Emergency Services and Public Protection as a sexual
219 offender or as an offender convicted of committing a crime with a
220 deadly weapon or as an offender convicted of committing a crime
221 involving animal abuse who files an application with the Court of
222 Probate for a change of name shall (A) prior to filing such application,
223 notify the Commissioner of Emergency Services and Public Protection,
224 on such form as the commissioner may prescribe, that the person
225 intends to file an application for a change of name, indicating the
226 change of name sought, and (B) include with such application a sworn
227 statement that such change of name is not being sought for the
228 purpose of avoiding the legal consequences of a criminal conviction,
229 including, but not limited to, a criminal conviction that requires such
230 person to register as a sexual offender or as an offender convicted of
231 committing a crime with a deadly weapon or as an offender convicted
232 of committing a crime involving animal abuse.

233 (2) The Commissioner of Emergency Services and Public Protection
234 shall have standing to challenge such person's application for a change
235 of name in the court of probate where such change of name is sought.
236 The commissioner shall challenge the change of name through the
237 Attorney General. The court of probate may deny such person's
238 application for a change of name if the court finds, by a preponderance
239 of the evidence, that the person is applying for such change of name

240 for the purpose of avoiding the legal consequences of a criminal
241 conviction.

242 (c) Whenever the court, pursuant to this section, orders a change of
243 name of a person, the court shall notify the Commissioner of
244 Emergency Services and Public Protection of the issuance of such order
245 if the court finds that such person is listed in the registry established
246 and maintained pursuant to section 54-257 or in the registry
247 established and maintained pursuant to section 54-280 or in the
248 registry established pursuant to section 1 of this act.

249 Sec. 5. Section 52-11 of the general statutes is repealed and the
250 following is substituted in lieu thereof (*Effective January 1, 2019*):

251 (a) The superior court in each judicial district shall have jurisdiction
252 of complaints praying for a change of name, brought by any person
253 residing in the judicial district, and may change the name of the
254 complainant, who shall thereafter be known by the name prescribed by
255 said court in its decree, except that no superior court may issue an
256 order or otherwise allow for the change of name of a person who is
257 required to register with the Commissioner of Emergency Services and
258 Public Protection as a sexual offender or as an offender convicted of
259 committing a crime with a deadly weapon or as an offender convicted
260 of committing a crime involving animal abuse unless such person
261 complies with the requirements of subdivision (1) of subsection (b) of
262 this section.

263 (b) (1) Any person who is required to register with the
264 Commissioner of Emergency Services and Public Protection as a sexual
265 offender or as an offender convicted of committing a crime with a
266 deadly weapon or as an offender convicted of committing a crime
267 involving animal abuse who files an application with the Superior
268 Court for a change of name shall (A) prior to filing such application,
269 notify the Commissioner of Emergency Services and Public Protection,
270 on such form as the commissioner may prescribe, that the person
271 intends to file an application for a change of name, indicating the

272 change of name sought, and (B) include with such application a sworn
 273 statement that such change of name is not being sought for the
 274 purpose of avoiding the legal consequences of a criminal conviction,
 275 including, but not limited to, a criminal conviction that requires such
 276 person to register as a sexual offender or as an offender convicted of
 277 committing a crime with a deadly weapon or as an offender convicted
 278 of committing a crime involving animal abuse.

279 (2) The Commissioner of Emergency Services and Public Protection
 280 shall have standing to challenge such person's application for a change
 281 of name in the superior court where such change of name is sought.
 282 The commissioner shall challenge the change of name through the
 283 Attorney General. The superior court may deny such person's
 284 application for a change of name if the court finds, by a preponderance
 285 of the evidence, that the person is applying for such change of name
 286 for the purpose of avoiding the legal consequences of a criminal
 287 conviction.

288 (c) Whenever the court, pursuant to this section, orders a change of
 289 name of a person, the clerk of the court shall notify the Commissioner
 290 of Emergency Services and Public Protection of the issuance of such
 291 order if the clerk finds that such person is listed in the registry
 292 established and maintained pursuant to section 54-257 or in the
 293 registry established and maintained pursuant to section 54-280 or in
 294 the registry established pursuant to section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2019</i>	New section
Sec. 2	<i>January 1, 2019</i>	New section
Sec. 3	<i>January 1, 2019</i>	New section
Sec. 4	<i>January 1, 2019</i>	45a-99
Sec. 5	<i>January 1, 2019</i>	52-11

Statement of Legislative Commissioners:

In Section 1(a)(9), a conforming language change was made, and in Section 4(b)(2), the language reverted to existing law in conformity with changes made by the proposed substitute.

JUD *Joint Favorable Subst.*